



National Aeronautics and  
Space Administration

**Principal Center for Regulatory Risk Analysis and Communication**

# Regulatory Tracking Summary

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*3 October 2008*

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.rracpc.org>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 ([sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

## Contents of This Issue

<b>1.0</b>	<b>U.S. Federal Regulatory Review</b>	<b>4</b>
1.1	Federal Register Summary	4
1.2	Status of Continuing Actions in Progress	8
1.3	Significant News and Other Developments	9
1.3.1	<i>EPA Issues New Multi-Sector General Permit for Industrial Storm Water Discharges</i>	9
1.3.2	<i>EPA Ordered to Set Storm Water Standards for Construction Sites</i>	10
1.3.3	<i>EPA Publishes the 2008 Report on the Environment: Highlights of National Trends</i>	10
1.3.4	<i>EPA Launches New Chemical Assessment and Management Efforts</i>	10
1.3.5	<i>Western Climate Initiative Issues Second Draft of Reporting Requirements and Design Requirements for its Regional Cap-and-Trade Program</i>	11
1.3.6	<i>EPA Issues Climate Change Strategy to Help Manage Water Resources</i>	11
1.3.7	<i>EPA Requests Comment on Preliminary Regulatory Determination on Perchlorate in Drinking Water</i>	12
1.4	Clean Air Act Working Group Updates	12
1.4.1	<i>Clean Air Act Working Group Telecons for 2008</i>	12
<b>2.0</b>	<b>State Regulatory Reviews</b>	<b>13</b>
2.1	Alabama State Regulatory Review	13
2.2	California State Regulatory Review	14
2.2.1	<i>Seventh Annual Pollution Prevention Conference</i>	15
2.2.2	<i>Stormwater Training</i>	15
2.2.3	<i>GHG Reporting for Landfills</i>	15
2.3	Florida State Regulatory Review	16
2.4	Hawaii State Regulatory Review	18
2.5	Louisiana State Regulatory Review	18
2.6	Maryland State Regulatory Review	18
2.7	Mississippi State Regulatory Review	18
2.8	New Mexico State Regulatory Review	19
2.9	Ohio State Regulatory Review	19
2.10	Texas State Regulatory Reviews	20
2.11	Utah State Regulatory Review	20
2.12	Virginia State Regulatory Review	21

## Acronyms

AAM = Alabama Administrative Monthly  
 ADEM = Alabama Department of Environmental Management  
 ANPRM = Advance Notice of Proposed Rulemaking  
 AQI = Air Quality Index  
 AST = Aboveground storage tank  
 BASINS = Better Assessment Science Integrating Point and Non-point Sources  
 BMP = Best management practice  
 CAA = Clean Air Act  
 CAAWG = Clean Air Act Working Group  
 Cal/EPA = California Environmental Protection Agency  
 Caltrans = California Department of Transportation  
 CASQA = California Storm Water Quality Association  
 CCR = *California Code of Regulations*  
 CFR = *Code of Federal Regulations*  
 ChAMP = Chemical Assessment and Management Program  
 CNG = Compressed Natural Gas  
 CPCFA = California Pollution Control Financing Authority  
 CRNR = *California Regulatory Notice Register*  
 CWA = Clean Water Act  
 EIS = Environmental Impact Statement  
 EPA = U.S. Environmental Protection Agency  
 F.A.C. = Florida Administrative Code  
 F.S. = Florida Statute  
 FAA = Federal Aviation Administration  
 FAW = *Florida Administrative Weekly*  
 FDEP = Florida Department of Environmental Protection  
 FHMR = Federal Hazardous Material Regulations  
 FMR = Federal Management Regulation  
 FR = *Federal Register*  
 GHG = Greenhouse gases  
 GRC = Glenn Research Center  
 GSA = U.S. General Services Administration  
 GSE = Ground support equipment  
 HCFC = Hydrochlorofluorocarbon  
 HPV = High-production volume  
 IRIS = Integrated risk information system  
 LSI = Large spark-ignition  
 MSGP = Multi-Sector General Permit  
 NAAQS = National Ambient Air Quality Standards

NASA = National Aeronautics and Space Administration  
 NESHAP = National Emission Standards for Hazardous Air Pollutants  
 NIC = Notice of intent to comply  
 NIOSH = National Institute for Occupational Safety and Health  
 NMAC = New Mexico Administrative Code  
 NMED = New Mexico Environment Department  
 NMOC = Non-Methane Organic Compound  
 NPDES = National Pollutant Discharge Elimination System  
 NPRM = Notice of Proposed Rulemaking  
 NRC = Nuclear Regulatory Commission  
 OEHHA = Office of Environmental Health Hazard Assessment  
 OEPA = Ohio Environmental Protection Agency  
 PFAC = Perfluoroalkyl carboxylate  
 PFAS = Perfluoroalkyl sulfonate  
 PM = Particulate matter  
 PTI = Permit to install  
 RIN = Regulatory Identification Number  
 RRAC PC = Principal Center for Regulatory Risk Analysis and Communication  
 SAPCB = State Air Pollution Control Board  
 SDWA = Safe Drinking Water Act  
 SIP = State Implementation Plan  
 SJRWMD = St. Johns River Water Management District  
 SNUR = Significant New Use Rule  
 SWPPP = Storm Water Pollution Prevention Plan  
 TAC = Texas Administrative Code  
 TexReg = *Texas Register*  
 TMDL = Total maximum daily load  
 TSCA = Toxic Substances Control Act  
 U.S. = United States  
 UAC = Utah Administrative Code  
 UDAQ = Utah Division of Air Quality  
 Va.R. = *Virginia Register*  
 VAC = Virginia Administrative Code  
 VOC = Volatile organic compound  
 WCI = Western Climate Initiative  
 WSTF = White Sands Test Facility

# 1.0 U.S. Federal Regulatory Review

## 1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed100308-1	CAA Air Quality Modeling	09/25/2008	<a href="#">73 FR 55508</a>	Notice	Conference on Air Quality Modeling Announces the <a href="#">Ninth Conference on Air Quality Modeling</a> . Purposes of the conference are to: <ul style="list-style-type: none"> <li>Provide an overview of the latest features of new air quality models.</li> <li>Provide a forum for public review and comment on potential revisions to the way EPA determines and applies appropriate air quality models in the future.</li> </ul> Comments on potential revisions to the way the EPA determines and applies appropriate air quality models due 11/10/2008. Conference to be held 10/09/2008 and 10/10/2008 in Research Triangle Park, North Carolina.	
Fed100308-2	CAA NAAQS–Ozone	09/29/2008	<a href="#">73 FR 56581</a>	Notice	Notice of Workshop and Call for Information on Integrated Science Assessment for Ozone Announces that an Integrated Science Assessment is being prepared as part of the <a href="#">review of the NAAQS for ozone</a> . Also announces a workshop entitled, “ <a href="#">Workshop to Discuss Policy-Relevant Science to Inform EPA’s Integrated Plan for the Ozone NAAQS</a> ,” to be held 10/29/2008 –and 10/30/2008 at Research Triangle Park, North Carolina. Comments due 11/03/2008.	
Fed100308-3	Commercial Space Transportation Space Florida	09/22/2008	<a href="#">73 FR 54656</a>	Notice	Federal Aviation Administration Office of Commercial Space Transportation; Finding of No Significant Impact Issues a Finding of No Significant Impact regarding the issuance of a Launch Site Operator License to Space Florida to operate a commercial launch site at Launch Complex 46 at Cape Canaveral Air Force Station. An EIS for the Proposed Action is not required.	
Fed100308-4	CWA NPDES Multi-Sector General Permit	09/29/2008	<a href="#">73 FR 56572</a>	Notice	Final NPDES General Permit for Storm Water Discharges from Industrial Activities Finalizes NPDES general permit for storm water discharges from industrial activity, also referred to as the Multi-Sector General Permit, for EPA Regions 1, 2, 3, 5, 6, 9, and 10. Replaces existing permits that expired on 10/30/2005. Provides coverage for sectors of industrial point source discharges that occur in areas not covered by an approved state NPDES program. Web cast presentation to explain the new permit requirements to be held on 11/05/2008. Electronic versions of the final permit and fact sheet are available at <a href="#">EPA’s Web site</a> . Effective 09/29/2008. Appendix 6 of the Permit lists geographical areas covered. See Section 1.3.1 below for further information.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed100308-5	CWA Watershed Modeling	10/02/2008	<a href="#">73 FR 57354</a>	Notice	<p>BASINS 4.0 Climate Assessment Tool: Supporting Documentation and Users Manual</p> <p>Announces public comment period for the draft document titled, "<a href="#">BASINS 4.0 Climate Assessment Tool: Supporting Documentation and Users Manual</a>." BASINS 4.0 is a watershed modeling system that provides a flexible set of capabilities for creating user-defined climate change scenarios for assessing the influence of climate variability and change on water quantity and quality. Report provides documentation and technical user support, including a discussion of tool capabilities with hands-on tutorials. Comments due 11/03/2008.</p>	
Fed100308-6	EPA Library Services	09/24/2008	<a href="#">73 FR 55071</a>	Notice	<p>Notice of Access to EPA Library Services</p> <p>Notice that EPA is enhancing access to library services. Previously closed libraries in the <a href="#">National Library Network</a> will be re-opened with walk-in access. Other library locations will expand staffing, operating hours, or services. Notice provides information regarding access to the libraries and services beginning 09/30/2008.</p>	
Fed100308-7	Federal Regulation	09/24/2008	<a href="#">73 FR 55169</a>	Notice	<p>Office of Management and Budget</p> <p>Draft 2008 Report to Congress on the Benefits and Costs of Federal Regulations</p> <p>Requests comments on the Draft 2008 Report to Congress on the Benefits and Costs of Federal Regulation. The report was prepared to accomplish the following:</p> <ul style="list-style-type: none"> <li>Examine the benefits and costs of major federal regulations issued in fiscal year 2007.</li> <li>Summarize the benefits and costs of major regulations issued between September 1997 and 2007.</li> <li>Discuss regulatory impacts on state, local, and tribal governments, small business, wages, and economic growth.</li> <li>Examine trends in regulation since 1981.</li> <li>Provide an update regarding implementation of the Information Quality Act.</li> <li>Summarize agency compliance with the Unfunded Mandates Reform Act.</li> </ul> <p>The draft report is available on the <a href="#">Office of Management and Budget's web site</a>. Comments due 11/08/2008.</p>	
Fed100308-8	Fuels	09/26/2008	<a href="#">73 FR 55844</a>	Notice	<p>GSA</p> <p>FMR; Motor Vehicle Management; Notice of GSA Bulletin FMR B-22</p> <p>Allows executive agencies to purchase premium fuel for government-owned and leased vehicles when lower-grade fuels are not available due to possible nationwide market shortages as a result of refinery damage caused by Hurricane Ike. Bulletin is available on the <a href="#">GSA website</a>. Effective 09/13/2008.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed100308-9	Habitats Restoration	09/26/2008	<a href="#">73 FR 55816</a>	Notice	National Oceanic and Atmospheric Administration Community-based Restoration Program Guidelines Makes minor changes to the guidelines for the <a href="#">Community-based Restoration Program</a> . Also responds generally to comments received, summarizes a constituent feedback meeting in Washington, D.C., and highlights specific authorization for the program. Program implements and supports the restoration of fishery and coastal habitats by providing federal financial and technical assistance to encourage locally led coastal and marine habitat restoration, and to promote stewardship and conservation values.	
Fed100308-10	Hazardous Materials Skin Notations for Chemicals	09/23/2008	<a href="#">73 FR 54828</a>	Notice	National Institute for Occupational Safety and Health Review of NIOSH Draft Current Intelligence Bulletin: "A Strategy for Assigning the New NIOSH Skin Notations for Chemicals" Notice of public meeting and availability for comment regarding the document, "Current Intelligence Bulletin: A Strategy for Assigning the New NIOSH Skin Notations for Chemicals." The document was developed to provide the scientific rationale and framework for a strategy for the assignment of multiple skin notations capable of distinguishing between systemic, localized, and sensitizing health effects of dermal chemical exposures. The strategy was designed to accomplish the following: <ul style="list-style-type: none"> <li>Communicate the current state of knowledge on hazards to workers' health from dermal exposures.</li> <li>Address the conceptual shortcomings of the current NIOSH skin notation.</li> <li>Recognize the health risks associated with skin contact with chemicals beyond dermal absorption.</li> <li>Increase the transparency of the process for assigning the new NIOSH skin notations.</li> </ul> Public meeting to be held 11/06/2008 in Cincinnati, Ohio. Comments due 11/07/2008.	
Fed100308-11	Hazardous Materials Transportation	10/01/2008	<a href="#">73 FR 57001</a>	Final Rule	Pipeline and Hazardous Materials Safety Administration Hazardous Materials Regulations: Minor Editorial Corrections and Clarifications [49 CFR Parts 171, 172, 173, 175, 176, 178, 179, and 180] Corrects editorial errors, makes minor regulatory changes, and improves the clarity of certain provisions in the Hazardous Materials Regulations. Amendments are non-substantive changes. Effective 10/01/2008 [RIN 2137-AE40].	
Fed100308-12	Hazardous Materials Transportation	10/02/2008	<a href="#">73 FR 57281</a>	Proposed Rule	Pipeline and Hazardous Materials Safety Administration Hazardous Materials: Enhanced Enforcement Authority Procedures [49 CFR Part 109] Proposes to issue rules to establish procedures for: <ul style="list-style-type: none"> <li>Inspection and opening of packages to identify undeclared or non-compliant shipments</li> <li>Temporary detention and inspection of suspicious packages</li> <li>Issuance of emergency orders (restrictions, prohibitions, recalls, and out-of-service orders) to address unsafe conditions or practices posing an imminent hazard</li> </ul> Comments due 12/01/2008 [RIN 2137-AE13].	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed100308-13	Hazardous Substances Natural Resource Damages	10/02/2008	<a href="#">73 FR 57259</a>	Final Rule	Department of the Interior Natural Resource Damages for Hazardous Substances [43 CFR Part 11]  Amends certain parts of the natural resource damage assessment regulations for hazardous substances. The regulations provide procedures that natural resource trustees may use to evaluate the need for and means of restoring, replacing, or acquiring the equivalent of public natural resources that are injured or destroyed as a result of releases of hazardous substances. Amendments revise the site-specific procedures for detailed assessments in individual cases (the Type B Rule) to emphasize resource restoration over economic damages. Also respond to two court decisions addressing the regulations, and include a technical revision to resolve an apparent inconsistency. Effective 11/03/2008. [RIN 1090-AA97]	
Fed100308-14	IRIS Ethylene Glycol Mono Butyl Ether	09/25/2008	<a href="#">73 FR 55510</a>	Notice	Draft Toxicological Review of Ethylene Glycol Mono Butyl Ether: In Support of the Summary Information in the IRIS  Announces an external peer review workshop to review the external review draft document titled, " <a href="#">Toxicological Review of Ethylene Glycol Mono Butyl Ether: In Support of Summary Information in IRIS.</a> " Workshop to be held 10/16/2008 in Research Triangle Park, North Carolina.	
Fed100308-15	IRIS Ethylene Glycol Mono Butyl Ether	10/01/2008	<a href="#">73 FR 57096</a>	Notice	Draft Toxicological Review of Ethylene Glycol Mono Butyl Ether: In Support of the Summary Information in the IRIS  Announces a listening session for the external review draft document titled, " <a href="#">Toxicological Review of Ethylene Glycol Mono Butyl Ether: In Support of Summary Information in IRIS.</a> " Listening session to be held 10/10/2008. A teleconference line will be available for registered attendees/speakers.	
Fed100308-16	Nuclear Civil Penalties	09/23/2008	<a href="#">73 FR 54671</a>	Final Rule	Nuclear Regulatory Commission Adjustment of Civil Penalties for Inflation [10 CFR Parts 2 and 13]  Adjusts the maximum Civil Monetary Penalties that can be assessed under statutes within the jurisdiction of the NRC for inflation. Effective 10/23/2008 [RIN 3150-AI45].	
Fed100308-17	Nuclear Licensing	09/25/2008	<a href="#">73 FR 55544</a>	Notice	Nuclear Regulatory Commission Notice of Issuance of Regulatory Guide  Issues Revision 2 of Regulatory Guide 10.7, "Guide for the Preparation of Applications for Licenses for Laboratory and Industrial Use of Small Quantities of Byproduct Material." Guide discusses information needed to apply for a license for laboratory or industrial use of small quantities of byproduct material. The guide is available on the <a href="#">Nuclear Regulatory Commission's web site.</a>	
Fed100308-18	Nuclear Licensing	09/25/2008	<a href="#">73 FR 55544</a>	Notice	Nuclear Regulatory Commission Notice of Issuance of Regulatory Guide  Issues Revision 2 of Regulatory Guide 10.9, "Guide for the Preparation of Applications for the Use of Self-Contained Dry Source-Storage Gamma Irradiators." Guide discusses information needed to apply for a license for the use of a self-contained dry source-storage gamma irradiator. The guide is available on the <a href="#">Nuclear Regulatory Commission's web site.</a>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed100308-19	Oil Pollution Act Limits of Liability	09/24/2008	<a href="#">73 FR 54997</a>	Proposed Rule	U.S. Coast Guard Consumer Price Index Adjustments of Oil Pollution Act of 1990 Limits of Liability--Vessels and Deepwater Ports [33 CFR Part 138]  Proposes to increase the limits of liability for vessels and deepwater ports under the Oil Pollution Act of 1990 to account for inflation. Also sets forth the methodology the Coast Guard proposes to use for this and future adjustments to the limits of liability to reflect significant increases in the Consumer Price Index. Comments due 11/24/2008 [RIN 1625-AB25].	
Fed100308-20	Renewable Fuels Standard	10/02/2008	<a href="#">73 FR 57248</a>	Direct Final Rule	Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program Requirements [40 CFR Part 80]  Amends the Renewable Fuel Standard program requirements to correct editorial errors and provide minor clarifications. Also includes minor changes intended to assist regulated entities in complying with the requirements and to lessen regulatory requirements where possible without compromising the goals of the program. Effective 12/01/2008 unless adverse comments received by 11/03/2008 [RIN 2060-AO80].	
Fed100308-21	Safety Drug-Free Workplace	09/26/2008	<a href="#">73 FR 55776</a>	Proposed Guidance	Office of Management and Budget Guidance for Drug-Free Workplace Requirements (Financial Assistance) [2 CFR Parts 1 and 182]  Proposes guidance regarding drug-free workplace requirements for financial assistance. Proposes to issue guidance as an administrative simplification that will streamline the policy framework for drug-free workplace requirements. Guidance is in a form suitable for federal agency adoption. Proposed guidance is available on the <a href="#">Office of Management and Budget's website</a> under the heading, "Proposed Policies." Comments due 10/27/2008.	

## 1.2 Status of Continuing Actions in Progress

This section provides the status of selected actions the RRAC PC currently is tracking for possible program-related impacts. Questions about any of these actions or suggestions for additions to this list should be directed to Sharon Scroggins.

	Significant Dates <i>italic = tentative</i>	Subject Action [RIN]	Type of Action	Comments
NPRM Final Action	<i>1/2009</i> <i>1/2011</i>	NESHAP: Defense Land Systems and Miscellaneous Equipment [2060-AM84]	Pre-rule	Possible impact to Ground Operations.  Will cover surface cleaning, preparation, coating, and stripping operations on non-flight hardware at some NASA facilities. Could affect launch pads and GSE.
NPRM Final Action	<i>07/2008</i> <i>01/2009</i>	NESHAP: Risk and Technology Review, Phase II Group 2A [2060-AO91]	Pre-rule	Possible space vehicle materials or supply chain impacts.  Evaluation of residual risk remaining after implementation of NESHAP regulations. Could impose further restrictions on several types of sources. Includes the manufacture of various types of elastomers, such as Hypalon.
NPRM Final Action	<i>06/2008</i> <i>01/2009</i>	NESHAP: Risk and Technology Review, Phase II Group 2B [2060-AO92]	Pre-rule	Possible space vehicle materials or operations impacts.  Evaluation of residual risk remaining after implementation of NESHAP regulations. Could impose further restrictions on operations subject to the Aerospace NESHAP, including coating, stripping, and cleaning of space flight hardware.



	Significant Dates <i>italic = tentative</i>		Subject Action [RIN]	Type of Action	Comments
NPRM	11/2008		HCFC Labeling [2060-AO68]	Pre-rule	Administrative requirement for certain space vehicle materials.
Final Action	TBD				Would require containers of materials containing HCFCs to bear warning statements.
ANPRM	07/30/2008	<a href="#">73 FR 44353</a>	Regulation of Greenhouse Gases under the CAA [2060-AP12]	Pre-Rule	Potential for program impacts unknown at this time. Solicits input regarding the regulation of GHGs under the CAA.
NPRM	07/14/2008	<a href="#">73 FR 40230</a>	Control Techniques Guidelines for Coating Operations [2060-AP01]	Proposed Rule	Possible space vehicle materials or supply chain impacts. Proposes to set guidelines for states to use in establishing VOC limits in ozone non-attainment areas for the following five product categories: <ul style="list-style-type: none"> <li>▪ Miscellaneous metal products coatings</li> <li>▪ Plastic parts coatings</li> <li>▪ Auto and light-duty truck assembly coatings</li> <li>▪ Fiberglass boat manufacturing materials</li> <li>▪ Miscellaneous industrial adhesives</li> </ul> Could affect material formulations.
Comments Due	08/13/2008				
Final Action	10/2008				
NPRM	07/2008		National VOC Rule for Industrial Adhesives and Sealants [2060-AP02]	Pre-Rule	Possible space vehicle materials or supply chain impacts.
Final Action	10/2008				Will establish VOC limits for certain types of adhesives and sealants; could affect material formulations.  Note: this rule may have been merged with the Control Techniques Guidelines activity above.
NPRM	05/2008		Area Source NESHAP for Miscellaneous Chemical Manufacturing [2060-AM19]	Pre-Rule	Possible space vehicle materials or supply chain impacts.
Final Action	01/2009				Will impose requirements on area sources that manufacture chemicals; could drive reformulations to avoid regulatory requirements.
NPRM	01/03/2007	<a href="#">72 FR 69</a>	NESHAP General Provisions—Once In, Always In [2060-AM75]	Proposed Rule	Possible impacts to facilities, including space flight support facilities.
Final Action	05/2009				Could have an effect on how NESHAPs affect certain NASA Centers and vendor facilities.
NPRM	03/07/2006	<a href="#">71 FR 11483</a>	SNUR: Perfluorinated Polymers [2070-AD58]	Proposed Rule	Possible space vehicle materials impacts. Rule could limit new U.S. production of any new materials or significant uses of perfluorinated polymers including those containing PFASs; PFACs; fluorotelomers; or perfluoroalkyl moieties that are covalently bound to a carbon or a sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule.
Final Action	10/2008				

## 1.3 Significant News and Other Developments

### 1.3.1 EPA Issues New Multi-Sector General Permit for Industrial Storm Water Discharges

On 29 September 2008, EPA issued the final Storm Water MSGP [[73 FR 56572](#)] with requirements for 29 different industrial sectors to implement site-specific storm water pollution prevention plans to protect water quality. Facilities are required to install control measures that meet established effluent limits and must develop SWPPPs.

Under the CWA, all facilities that discharge pollutants into waters of the U.S. must obtain an NPDES. The new permit replaces the MSGP issued in 2000, which expired in 2005. The new permit offers improvements from the previous MSGP, including clarified discharge requirements; electronic filing of Notices of Intent and monitoring reports; web-based tools for locating bodies of water and determining impairment status; and updated monitoring, inspection, and corrective action schedules.

The MSGP applies to facilities in states and territories not authorized to implement EPA's NPDES program, including New Mexico and parts of Texas. Additional information regarding the new MSGP is available on [EPA's website](#).

### 1.3.2 EPA Ordered to Set Storm Water Standards for Construction Sites

On 18 September 2008, the Ninth Circuit Court of Appeals ruled for the plaintiff in the case of [Natural Resources Defense Council v. EPA](#), a lawsuit brought against the Agency in response to its 2004 decision not to issue effluent limitation guidelines for the construction and development industry. EPA previously had considered issuing regulations, but decided to rely instead "on the range of existing programs, regulations, and initiatives at the Federal, State, and local level for the control of storm water runoff from construction sites." The district court decided in favor of the plaintiff groups on the basis that EPA failed to comply with the CWA by not performing its "non-discretionary duty" to promulgate new source performance standards and effluent limitation guidelines for the construction industry. The district court issued a permanent injunction, later upheld by the appellate court, requiring EPA to issue these guidelines and standards for the construction industry no later than 1 December 2009.

### 1.3.3 EPA Publishes the 2008 Report on the Environment: Highlights of National Trends

EPA released the "[2008 Report on the Environment: Highlights of National Trends](#)," which provides an overview of annual trends related to U.S. human health and the environment. The report is intended for a general audience and summarizes highlights of the more comprehensive "[EPA's 2008 Report on the Environment](#)," which was released in May, and provides more detailed scientific and technical information. The two reports present national environmental trends, EPA's strategic planning process, and the associated best available scientific data. Along with the report, EPA launched a new [website](#) that allows the user to search the full technical report for specific trends in air, water, and land.

### 1.3.4 EPA Launches New Chemical Assessment and Management Efforts

Under its new ChAMP, EPA plans to update the current TSCA inventory to reflect the industrial chemicals actually in commerce. EPA also plans to develop a "challenge" program for the U.S. chemical industry to provide health and safety information regarding inorganic HPV chemicals. Both efforts are intended to enhance the ChAMP and are based on feedback from a broad group of stakeholders.

EPA will seek additional stakeholder and public input for specific plans for implementing these two measures. The TSCA inventory includes more than 83,000 chemicals, many of which are no longer manufactured or imported. HPV chemicals account for more than 90 percent of the production volume on the inventory. To date, EPA has posted prioritizations on more than 100 HPV chemicals manufactured or imported above 1 million pounds a year, and on an initial set of moderate volume chemicals, those manufactured or imported between 25,000 and 1 million pounds a year. These prioritizations and additional information about the ChAMP program are available on EPA's [website](#).

### 1.3.5 Western Climate Initiative Issues Second Draft of Reporting Requirements and Design Requirements for its Regional Cap-and-Trade Program

The [WCI](#) released [plans](#) for a comprehensive, multi-sector carbon emissions cap-and-trade program on 23 September 2008. The plans include design principles for a regional market that would be the cornerstone of WCI's emission reduction goal of 15 percent below 2005 levels by 2020. The WCI cap-and-trade program would be the first trading program to cap emissions from all major sources of GHGs. The objective is to establish a regional emissions cap and to distribute allowances, or permits, to emitters. Over time, the allowances would diminish and emitters would be required either to reduce their emissions or to buy emissions credits. Initially, the program would cover only the electricity sector and large industrial sources of GHGs. The program later would expand to include transportation fuels and heating fuels to cover nearly 90 percent of the GHGs emitted in the region.

Under the plan, mandatory reporting of emissions would begin in 2011. The initial phase of the trading program would begin in 2012, with a 3-year compliance period. The second phase would begin in 2015.

WCI issued a second draft of its [Essential Requirements of Mandatory Reporting](#) on 30 September 2008. This second draft builds on the draft recommendations released in July, incorporates reporting elements from the Design Recommendations for the WCI Regional Cap-and-Trade Program, and identifies additional decisions needed regarding emissions reporting. Written comments on the second draft are due to WCI by 14 October 2008. The reporting requirements must be finalized by December 2008.

Established in 2007, the WCI is a [partnership](#) to identify, evaluate, and implement ways to collectively reduce GHG emissions. Partners include Arizona, California, Montana, New Mexico, Oregon, Utah, Washington, British Columbia, Manitoba, Quebec, and Ontario, along with observer states and provinces.

### 1.3.6 EPA Issues Climate Change Strategy to Help Manage Water Resources

EPA issued the "[National Water Program Strategy: Response to Climate Change](#)" to guide the Agency in changing clean water, drinking water, and ocean protection programs as they relate to climate change. Potential impacts of climate change on water resources include increases in water pollution, changes in drinking water availability, and impacts on coastal areas. EPA's water strategy identifies the following five specific goals for moving forward and includes 40 key actions for implementing the goals:

- Mitigation of GHGs
- Adaptation to climate change
- Research related to water and climate change
- Education regarding climate change
- Water program management of climate change

Information about the strategy is available on EPA's [website](#).

### 1.3.7 EPA Requests Comment on Preliminary Regulatory Determination on Perchlorate in Drinking Water

EPA conducted an extensive review of scientific data related to the health effects of exposure to perchlorate from drinking water and other sources and found that in more than 99 percent of public drinking water systems, perchlorate is not present at levels of public health concern. The Agency determined there is not a "meaningful opportunity for health risk reduction" under the SDWA. EPA is requesting comments about the [preliminary determination](#) not to regulate perchlorate in drinking water at a national level. EPA will make a final determination for perchlorate after considering the information provided in the 30-day public comment period. EPA intends to issue a health advisory with its final regulatory determination for perchlorate, to assist states with developing their own stances regarding the potential regulation of perchlorate at the local level. The health advisory will provide technical guidance to federal, state, and other public health officials about health effects, analytical methods and treatment technologies, and guidance values for concentrations of perchlorate in drinking water that are likely to result in no adverse health effects. Additional information regarding this preliminary regulatory determination is available on EPA's [website](#).

## 1.4 Clean Air Act Working Group Updates

### 1.4.1 Clean Air Act Working Group Telecons for 2008

The CAAWG will hold a telecon on 15 October at 2 p.m. ET, 1 p.m. CT, 12 p.m. MT, and 11 a.m. PT.

Please send questions, comments, and suggestions for agenda topics to Sharon Scroggins (256-544-7932, [sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

## 2.0 State Regulatory Reviews

The following sections provide details of the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

### 2.1 Alabama State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Alabama.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL100308-1	Administration Forms	09/30/2008	<a href="#">AAM Vol. XXVI, No. 12, p. 509</a>	Proposed Rule Hearing	335-ADEM 1-General Administration 1-Organization  Proposes to revise <a href="#">335-1-1-.07 Departmental Forms, Instructions, and Procedures</a> to add two new forms that would create an application for grants under the Alabama Recycling Fund and a new form for NPDES General Permit Number ALG640000. ADEM also proposes to modify 18 existing forms and to delete 3 forms. A list of specific changes can be found in the <a href="#">Summary of Reasons</a> document. A <a href="#">public hearing</a> will be held 11/17/2008 at ADEM, Montgomery, Alabama. Comments due 11/17/2008.	
AL100308-2	Air Quality Opacity	09/30/2008	<a href="#">AAM Vol. XXVI, No. 12, p. 588</a>	Final Rule	335-ADEM 3-Air Division 4-.01-Visible Emissions  Final rule that amends Alabama's visible emissions regulations ( <a href="#">335-3-4-.01 Visible Emissions</a> ) to strengthen opacity requirements. A list of specific changes is provided in the <a href="#">Summary of Reasons</a> document.	
AL100308-3	Solid Waste Management Plan	09/30/2008	<a href="#">AAM Vol. XXVI, No. 12, p. 588</a>	Final Rule	335-ADEM 13-Solid Waste Division 9-State Solid Waste Management Plan  Final rule that amends the following: <ul style="list-style-type: none"> <li>▪ <a href="#">335-13-9-.02 Phase I Plan</a></li> <li>▪ <a href="#">335-13-9-.03 Phase II Plan (repealed)</a></li> <li>▪ <a href="#">335-13-9-.04 Updating and Modifying the Solid State Solid Waste Management Plan</a></li> </ul> Amendments include the following: <ul style="list-style-type: none"> <li>▪ Adopting a revised version of the State Solid Waste Management Plan.</li> <li>▪ Establishing procedures for future modifications and updates to the State Plan.</li> </ul> A list of specific changes is provided in the <a href="#">Summary of Reasons</a> document.	
AL100308-4	Solid Waste Recycling	09/30/2008	<a href="#">AAM Vol. XXVI, No. 12, p. 510</a>	Proposed Rule Hearing	335-ADEM 13-Solid Waste Program 10-Alabama Recycling Fund Grants Program  Proposes that ADEM adopt new rule <a href="#">335-13-10 Alabama Recycling Fund Grants Program</a> to establish procedures for the disbursement of grants for the development, implementation, and enhancement of local recycling and waste minimization projects under the Alabama Recycling Fund. A list of specific changes can be found in the <a href="#">Summary of Reasons</a> document. A <a href="#">public hearing</a> will be held 11/17/2008 at ADEM, Montgomery, Alabama.	

## 2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA100308-1	Air Cleaning Device	10/03/2008	<a href="#">CRNR 2008, 40z, p. 1777</a>	Final Rule	<a href="#">Air Resources Board</a> Indoor Air Cleaning Devices [17 CCR 94800-94810] Adopts regulations to protect the public health from ozone emitted by indoor air cleaning devices used in occupied spaces. Effective 10/18/2008	
CA100308-2	Air Large Spark-Ignition Engines	10/03/2008	<a href="#">CRNR 2008, 40z, p. 1747</a>	Proposed Rule Hearing	<a href="#">Air Resources Board</a> Notice of Public Hearing to Consider Amendments to the Current Regulations for Large Spark-Ignition Engines with an Engine Displacement Less than or Equal to One Liter [13 CCR 2433] Considers adoption of amendments to the California regulations for LSI engines with engine displacements less than or equal to 1 liter. A public hearing will be held on 11/20/2008 at the Cal/EPA, Sacramento, California.	
CA100308-3	Air Small Off-Road Engines	10/03/2008	<a href="#">CRNR 2008, 40z, p. 1751</a>	Proposed Rule Hearing	<a href="#">Air Resources Board</a> Notice of Public Hearing to Consider Amendments to the Current Regulations for Small Off-road Engines [13 CCR 2403, 2405, 2406, 2408, 2409] Considers adoption of amendments addressing fuel certification, emissions credits, and other aspects of regulations for small off-road engines. A public hearing will be held on 11/20/2008 at the Cal/EPA, Sacramento, California. Comments due 11/19/2008.	
CA100308-4	Airborne Contaminants	10/03/2008	<a href="#">CRNR 2008, 40z, p. 1780</a>	Final Rule	<a href="#">Occupational Safety and Health Standards Board</a> Airborne Contaminants [8 CCR 5155] Removes footnote "u." Footnote "u" was an interim, 2-year, ceiling limit for employee exposure to an airborne contaminant, Glutaraldehyde, which expired on 07/06/2008 and is no longer in effect. These changes have no regulatory effect.	
CA100308-5	Permitting San Francisco Bay Development	09/26/2008	<a href="#">CRNR 2008, 39z, p. 1727</a>	Final Rule	<a href="#">San Francisco Bay Conservation and Development Commission</a> Permit Application Form and Application Filing Requirements [14 CCR 10310, 10360, 10810, 10820, Appendix D. Appendix F] Updates requirements for filing a complete permit application. Effective 10/11/2008.	
CA100308-6	Remediation CALReUSE	09/26/2008	<a href="#">CRNR 2008, 39z, p. 1710</a>	Proposed Action	<a href="#">California Pollution Control Financing Authority (CPCFA)</a> California Reuse Program [4 CCR 8090-8095, 8098, 8099, 8101, 8102] Under the proposed action, the <a href="#">CALReUSE Remediation Program</a> would provide grants and loans to clean up brownfields that promote infill residential and mixed-use development consistent with regional and local land use plans. Public hearing scheduled 11/12/2008 in Sacramento, California. Comments due 11/12/2008.	
CA100308-7	Safety Dust Exposure	10/03/2008	<a href="#">CRNR 2008, 40z, p. 1780</a>	Final Rule	<a href="#">Occupational Safety and Health Standards Board</a> Control of Employee Dust Exposure from Concrete and Masonry Operations [8 CCR 1530.1] Adopts measures to control employee exposure from dust-generating operations conducted on concrete masonry materials. Effective 10/22/2008.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA100308-8	Safety Emergency Medical Services	09/26/2008	<a href="#">CRNR 2008, 39z, p. 1727</a>	Final Rule	<a href="#">Occupational Safety and Health Standards Board</a> Emergency Medical Services [8 CCR 1512] Nonsubstantive change to revise language to be gender neutral. Filed 09/17/2008.	
CA100308-9	Safety Fire Extinguisher Fees	10/03/2008	<a href="#">CRNR 2008, 40z, p. 1780</a>	Final Rule	<a href="#">Office of the State Fire Marshall</a> Portable Fire Extinguisher Fees [19 CCR 560] Establishes or increases various fees governing obtaining or renewing a Certificate of Registration for servicing and maintenance of portable fire extinguishers. Effective 10/01/2008.	
CA100308-10	Specific Substances Beryllium	09/26/2008	<a href="#">CRNR 2008, 39z, p. 1725</a>	Proposed Action	<a href="#">Office of Environmental Health Hazard Assessment (OEHHA)</a> <a href="#">Notice of Availability of Draft Report on California Human Health Screening Levels for Beryllium</a> The <a href="#">draft report</a> updates the California human health screening levels for beryllium oxide, beryllium sulfate, and beryllium and beryllium compounds. Comments due 10/27/2008.	
CA100308-11	Waste Tires	10/03/2008	<a href="#">CRNR 2008, 40z, p. 1754</a>	Proposed Rule	<a href="#">California Integrated Waste Management Board</a> Tire Hauler and Manifest Regulations [14 CCR 18449-18466] Proposes to amend existing regulations to implement new procedures with regard to common carriers and beneficial use of waste tires; changes also were made in an effort to clarify and clean up existing regulations. Comments due 11/17/2008.	

## 2.2.1 Seventh Annual Pollution Prevention Conference

The 7<sup>th</sup> Annual Pollution Prevention Conference offered by the [Western Sustainability and Pollution Prevention Network](#) is planned for 22 to 24 October 2008 at the Hyatt Regency in Monterey, California. Topics include Best Management Practices for a variety of industrial sectors, updates about pertinent legislative initiatives, solvent alternatives, and how to put environmental stewardship into action.

## 2.2.2 Stormwater Training

A [3-day training](#), designed to help SWPPP preparers, water pollution control managers, and contractors learn to meet Caltrans, CASQA, and NPDES Construction General Permit requirements, is being offered 29 to 31 October 2008 in Stanton, California. Several cities and counties in Southern California are requiring construction projects to have a trained Water Pollution Control Manager identified and onsite before issuing grading permits.

## 2.2.3 GHG Reporting for Landfills

[California Climate Action Registry](#) is announcing the completion of the updated [Landfill Project Reporting Protocol](#). Changes to the Landfill Project Reporting Protocol include an update of the non-methane organic compounds threshold analysis; allowance for open flares to be used as a methane destruction device; and formatting adjustments to the emission reductions quantification methodologies. Comments are due 23 October 2008.



## 2.3 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL100308-1	Air General Provisions	09/26/2008	<a href="#">FAW Notices #6214031, #6214225, and #6214322</a>	Final Rule	<p>Chapter 62–FDEP 204–Air Pollution Control–General Provisions</p> <p>Amendments to the rule include the following:</p> <ul style="list-style-type: none"> <li>Revise the definition of “PM10” to correct an erroneous reference to EPA rules.</li> <li>Update the SIP processing rule to reference the provisions of 40 CFR Part 51, Subpart F.</li> <li>Add clarifying language to the adoption by reference of EPA emissions Test Method 23.</li> </ul> <p>The affected rules include the following:</p> <ul style="list-style-type: none"> <li>62-204.200 Definitions</li> <li>62-204.400 Public Notice and Hearing Requirements for State Implementation Plan Revisions</li> <li>62-204.800 Federal Regulations Adopted by Reference</li> </ul> <p>Effective 10/06/2008.</p>	
FL100308-2	Air General Provisions	10/03/2008	<a href="#">FAW Notice #6239445</a>	Final Rule	<p>Chapter 62–FDEP 204–Air Pollution Control–General Provisions</p> <p>Amendments to the rule include updates through 06/30/2008 of FDEP’s adoption-by-reference of air pollution regulations at 40 CFR Parts 50, 52, 58, 60, and 63, as described below:</p> <ul style="list-style-type: none"> <li>40 CFR 50, National Primary and Secondary Ambient Air Quality Standards: Establishes primary and secondary ambient air quality standards for ozone and procedures to determine if the standards are met at ozone air quality monitoring sites.</li> <li>40 CFR 52, Approval and Promulgation of Implementation Plans, Subpart K, Florida: Deleted specific requirements for interstate pollutant transport provisions.</li> <li>40 CFR 58, Ambient Air Quality Surveillance, Appendix G, Uniform AQI and Daily Reporting: Establishes a new 8-hour ozone AQI breakpoint.</li> <li>40 CFR 60, Standards of Performance for New Stationary Sources, Subpart KKKK, Standards for Stationary Combustion Turbines: Incorporated a table for nitrogen oxide emission limits for new stationary combustion turbines.</li> <li>40 CFR 60, Standards of Performance for New Stationary Sources: Minor changes have been made to text of the following appendixes: <ul style="list-style-type: none"> <li>Appendix A-2, Test Methods 2G through 3C</li> <li>Appendix A-4, Test Methods 6 through 10B</li> <li>Appendix A-7, Test Methods 19 through 25E</li> </ul> </li> <li>40 CFR 63, NESHAPs, Subpart EEE, NESHAP for Hazardous Waste Combustors: Establishes compliance dates for hazardous waste combustors, updates performance testing requirements, and updates NIC requirements.</li> </ul> <p>Effective 10/12/2008.</p>	



Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL100308-3	Air Permits	10/03/2008	<a href="#">FAW Notice #6240221</a>	Final Rule	<p>Chapter 62–FDEP 213–Operation Permits for Major Sources of Air Pollution</p> <p>Amendments to the Title V Fee Form, FDEP Form No. 62-213.900(1), include the following:</p> <ul style="list-style-type: none"> <li>▪ Clarify that the form must be postmarked by 03/01.</li> <li>▪ Correct the division title.</li> <li>▪ Clarify that the form implements the fee requirements of Section 403.0872(11) of the F.S.</li> <li>▪ Eliminate verbatim statutory language from that section.</li> </ul> <p>Effective 10/12/2008.</p>	
FL100308-4	Air Stationary Sources	09/26/2008	<a href="#">FAW Notices #6215001, #6215195, #6215292 and #6215389</a>	Final Rule	<p>Chapter 62–FDEP 296–Stationary Sources–Emission Standards</p> <p>Amendments to the rule include the following:</p> <ul style="list-style-type: none"> <li>▪ Clarify that stationary sources of air pollutant emissions must comply with any applicable EPA regulations at 40 CFR 60, 61, 63, and 65 that have been adopted by reference.</li> <li>▪ Revise language for consistency with open burning rule language in Chapter 62-256, F.A.C.</li> <li>▪ Correct the process weight table equation to clearly show exponents.</li> <li>▪ Revise language in Rule 62-296.470, F.A.C., to clarify how state and federal definitions are used in the rule.</li> <li>▪ Revise the rule for internal floating roof petroleum liquid storage tanks to remove an erroneous test method reference.</li> </ul> <p>The affected rules include the following:</p> <ul style="list-style-type: none"> <li>▪ 62-296.100 Purpose and Scope</li> <li>▪ 62-296.320 General Pollutant Emission Limiting Standards</li> <li>▪ 62-296.470 Implementation of Federal Clean Air Interstate Rule</li> <li>▪ 62-296.508 Petroleum Liquid Storage</li> </ul> <p>Effective 10/06/2008.</p>	
FL100308-5	Air Stationary Sources	10/03/2008	<a href="#">FAW Notice #6242064, #6239736, #6239833, #6239930 and #6240124</a>	Final Rule	<p>Chapter 62–FDEP 210–Stationary Sources–General Requirements</p> <p>Amendments to the rule include the following:</p> <ul style="list-style-type: none"> <li>▪ Correct errors in the definitions of “PM10”, “Major Modification”, and “Net Emissions Increase.”</li> <li>▪ Clarify the definitions of “Best Available Control Technology”, “Permit Revision”, “Regulated Air Pollutant”, and “Volatile Organic Compounds.”</li> <li>▪ Add a definition of “Nitrogen Oxides.”</li> <li>▪ Correct alphabetization errors.</li> <li>▪ Clarify language in the printing operation exemption and general permit to include “inks” and “fountain solutions” in material usage and to provide that “all VOC-containing” material must be accounted for.</li> <li>▪ Correct typographical errors.</li> <li>▪ Correct an erroneous cross-reference.</li> <li>▪ Revise the Transfer of Air Permit Form to allow out-of-state notarization.</li> </ul> <p>The affected rules include the following:</p> <ul style="list-style-type: none"> <li>▪ 62-210.200 Definitions</li> <li>▪ 62-210.300 Permits Required</li> <li>▪ 62-210.310 Air General Permits</li> <li>▪ 62-210.350 Public Notice and Comment</li> <li>▪ 62-210.900 Forms and Instructions</li> </ul> <p>Effective 10/12/2008.</p>	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL100308-6	Air Stationary Sources	09/26/2008	<a href="#">FAW Notice #6214419</a> , <a href="#">#6214516</a> and <a href="#">#6214613</a>	Final Rule	Chapter 62–FDEP 212–Stationary Sources–Preconstruction Review  Amendments to the rule include the following: <ul style="list-style-type: none"> <li>▪ Correct an erroneous cross reference in Rule 62-212.300, General Preconstruction Review Requirements.</li> <li>▪ Remove an unused reference to 40 CFR 52.21(q) in Rule 62-212.400, Prevention of Significant Deterioration.</li> <li>▪ Remove a reference to a non-existent definition in Rule 62-212.720, Actual Plantwide Applicability Limits.</li> </ul> Effective 10/06/2008.	
FL100308-7	Asbestos	10/03/2008	<a href="#">FAW Notice #6240318</a> and <a href="#">#6240415</a>	Final Rule	Chapter 62–FDEP 257–Asbestos Program  Amendments to the rule correct an erroneous statutory reference and to revise FDEP Form No. 62-257.900(1) to include information required to be listed on the notification pursuant to 40 CFR Part 61, Subpart M. The affected rules include the following: <ul style="list-style-type: none"> <li>▪ 62-257.301 Notification Procedure and Fee</li> <li>▪ 62-257.900 Form</li> </ul> Effective 10/12/2008.	
FL100308-8	Open Burning	09/26/2008	<a href="#">FAW Notice #6214904</a>	Final Rule	Chapter 62–FDEP 256–Open Burning  Amendments to the rule involve changing the terms “polyethylene black plastic mulch” and “polyethylene plastic mulch” to the term “polyethylene agricultural plastic” to be consistent with Section 403.707, F.S. The affected rules include the following: <ul style="list-style-type: none"> <li>▪ 62-256.300 Prohibitions</li> <li>▪ 62-256.700 Open Burning Allowed</li> </ul> Effective 10/06/2008.	
FL100308-9	Water SJRWMD	09/26/2008	<a href="#">FAW Notice #6168344</a>	Notice Meeting	Chapter 40C–SJRWMD  Announces a business meeting of the Projects and Land Committee on 10/10/2008 at Charles H. Bronson State Forest, Chuluota, Florida.	

## 2.4 Hawaii State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Hawaii.

## 2.5 Louisiana State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Louisiana.

## 2.6 Maryland State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Maryland.

## 2.7 Mississippi State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Mississippi.

## 2.8 New Mexico State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in New Mexico.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
NM100308-1	Air Quality Permit Fees	09/30/2008	<a href="#">NM Register Vol. XIX, p. 877</a>	Proposed Rule Hearing	New Mexico Environmental Improvement Board <a href="#">20.2 NMAC Air Quality</a> Announces a public hearing to discuss revisions to the New Mexico <a href="#">Air Quality</a> regulations as follow: <ul style="list-style-type: none"> <li>Proposal to revise: <ul style="list-style-type: none"> <li><a href="#">20.2.71 NMAC—Operating Permit Emissions Fees</a></li> </ul> </li> </ul> The hearing will be held on 12/01/2008 at the State Capital in Santa Fe, New Mexico.	<b>WSTF</b> should be aware of the proposed revisions.
NM100308-2	Air Quality Qualified Generating Facilities	09/30/2008	<a href="#">NM Register Vol. XIX, p. 876</a>	Proposed Rule Hearing	New Mexico Environment Department 20.2.89 NMAC—Qualified Generating Facility Certification Proposes to adopt a new regulation, 20.2.89 NMAC—Qualified Generating Facility Certification. This regulation would establish procedures for determining whether a solar generating facility, recycled energy facility, or coal electric generating facility that meets the definition in the New Mexico statutes is a qualified generating facility as defined in the statutes. The proposed regulation would allow NMED to evaluate solar thermal and recycled energy projects to determine whether they meet the requirements of a qualified energy facility in order to qualify for tax credits. A public hearing to consider adopting this regulation will be held on 11/06/2008 at the Air Quality Bureau in Santa Fe, New Mexico. Further information is posted at the Air Quality Bureau <a href="#">website</a> , including the <a href="#">proposed rule and statement of reasons</a> , the <a href="#">petition for hearing</a> , and the <a href="#">public notice</a> .	

## 2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Ohio.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH100308-1	Air Glenn Research Center Draft Permit to Install	09/23/2008	<a href="#">Public Notice</a>	Draft Permit Issued	Division of Air Pollution Control, OEPA Draft PTI—Subject to Revision OEPA issued a draft Air Pollution Control PTI for an air contaminant source at GRC. Installation of the air contaminant source may proceed after final issuance of the PTI. Comments or a request for a public meeting must be submitted no later than 30 days from the date this notice is published.	<b>GRC</b> should be aware of the draft PTI.

## 2.10 Texas State Regulatory Reviews

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Texas.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX100308-1	CAA Houston/ Galveston/ Brazoria Nonattainment Area	10/01/2008	<a href="#">73 FR 56983</a>	Final Rule	Clean Air Act Reclassification of the Houston/Galveston/Brazoria Ozone Nonattainment Area; Texas; Final Rule [40 CFR Part 81]  Grants a request by the Governor of the State of Texas to voluntarily reclassify the Houston/ Galveston/Brazoria ozone nonattainment area from a moderate 8-hour ozone nonattainment area to a severe 8-hour ozone nonattainment area. Sets 04/15/2010 as the date for the state to submit a revised SIP that will address the severe ozone nonattainment area requirements of the CAA. Effective 10/31/2008.	<a href="#">JSC</a> should be aware of this reclassification.
TX100308-2	Hazardous Materials Transportation	10/03/2008	<a href="#">33 TexReg 8306</a>	Proposed Rule	Texas Department of Public Safety  Commercial Vehicle Regulations and Enforcement Procedures, Regulations Governing Hazardous Materials [37 TAC 4.1]  Proposes to incorporate by reference the FHMR [49 CFR Parts 107 (Subpart G), 171 to 173, 177, 178, and 180], as amended through 10/01/2008. Current rule incorporates by reference the FHMR as amended through 04/01/2008. Of particular interest to NASA facilities may be the following proposed amendment: <ul style="list-style-type: none"> <li>▪ <a href="#">73 FR 57001</a>, 10/01/2008—Corrects editorial errors, makes minor regulatory changes, and improves the clarity of certain provisions in the Hazardous Materials Regulations. Amendments are non-substantive changes.</li> </ul> Public hearing scheduled for 10/20/2008 in Austin, Texas. Earliest date of adoption 11/02/2008.	<a href="#">NASA facilities and programs, including logistics organizations,</a> should be aware of this change.

## 2.11 Utah State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Utah.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT100308-1	Air Clean Fuels and Vehicles	10/01/2008	<a href="#">UT Bull. Vol. 2008-19: DAR File No. 31928</a>	Proposed Rule	Utah Division of Air Quality, Department of Environmental Quality  UAC R307-121—General Requirements: Clean Fuel Vehicle Tax Credits  Proposes the following modifications to the existing rule to provide consistency with new legislation: <ul style="list-style-type: none"> <li>▪ Add additional language requiring the purchase date and price of the vehicle for CNG vehicles.</li> <li>▪ Add a new subsection that addresses the eligibility requirements for vehicles that meet the air quality and fuel economy standards.</li> <li>▪ Add a new subsection that addresses the eligibility requirements for vehicles converted to electricity.</li> <li>▪ Add definitions for "air quality standards," "fuel economy standards," "motor vehicle," and "original purchase" to the rule.</li> <li>▪ Change the titles of Rule R307-121 and Section R307-121-3.</li> </ul> Comments due 10/31/2008.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT100308-2	Air Ozone	10/01/2008	<a href="#">UT Bull. Vol. 2008-19: DAR File No. 31392</a>	Proposed Rule Revisions	Utah Division of Air Quality, Department of Environmental Quality UAC R307-328–Ozone Nonattainment and Maintenance Areas and Utah and Weber Counties: Gasoline Transfer and Storage Modifies the applicability of the proposed rule and provides corrections to ensure consistency with federal rules. Effective no earlier than 11/07/2008.	
UT100308-3	Air Regional Haze	10/01/2008	<a href="#">UT Bull. Vol. 2008-19: DAR File No. 31557</a>	Proposed Rule Revisions	Utah Division of Air Quality, Department of Environmental Quality UAC R307-110-28–Regional Haze Provides clarifications and citation corrections in the proposed rule based on public comments. Effective no earlier than 11/07/2008.	
UT100308-4	Air Sulfur Dioxide	10/01/2008	<a href="#">UT Bull. Vol. 2008-19: DAR File No. 31559</a>	Proposed Rule Revisions	Utah Division of Air Quality, Department of Environmental Quality UAC R307-250–Western Backstop Sulfur Dioxide Trading Program Provides clarifications and corrections in proposed rule based on public comments. Effective no earlier than 11/07/2008.	
UT100308-5	Air Unavoidable Breakdown	10/01/2008	<a href="#">UT Bull. Vol. 2008-19: DAR File No. 31927</a>	Statement of Continuation	Utah Division of Air Quality, Department of Environmental Quality UAC R307-107–General Requirements: Unavoidable Breakdown Rule is under a 5-year review process. UDAQ intends to continue Air Quality Board authority to request reporting of breakdowns in processing equipment and excess emissions occurring during shutdown and startup operations.	

## 2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the [Virginia Register](#) (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA100308-1	Air Opacity Standard	09/29/2008	<a href="#">25:2 Va.R 118</a>	Notice	State Air Pollution Control Board 9VAC5-40 Existing Stationary Sources, 9VAC5-50 New and Modified Stationary Sources The Metropolitan Washington Air Quality Committee is requesting that the SAPCB lower the opacity standard in Virginia, or at least in northern Virginia, from 20 percent to 10 percent. Comments due 10/20/2008.	
VA100308-2	Nuclear Radioactive Material	09/29/2008	<a href="#">25:2 Va.R 231</a>	Final Rule	State Board of Health 12VAC5-481 Virginia Radiation Protection Regulations Amends regulation to comply with Title 10 of the CFR, allowing Virginia to enter into an agreement with the NRC to regulate certain radioactive materials. Effective 11/01/2008.	
VA100308-3	Waste Landfills	09/29/2008	<a href="#">25:2 Va.R 150</a>	Final Rule	Virginia Waste Management Board 9VAC20-80 Solid Waste Management Regulations Amends regulations for landfill closure procedures, landfill gas and odor management, public participation guidelines, and landfill siting. Expands definition of airport to include military airfields. Effective 11/01/2008.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA100308-4	Water Petroleum Storage Tanks	09/29/2008	<a href="#">25:2 Va.R 206</a>	Final Rule	State Water Control Board 9VAC25-640 Requires operators of regulated petroleum ASTs and pipeline facilities to demonstrate that financial resources are available for containment and cleanup of a release from the tanks. Eliminates the standby trust requirements. Effective 11/01/2008.	